

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6542

BILL NUMBER: SB 190

NOTE PREPARED: Jan 31, 2012

BILL AMENDED: Jan 26, 2012

SUBJECT: Denial of Parental Rights to Rapists.

FIRST AUTHOR: Sen. Charbonneau

FIRST SPONSOR: Rep. Kubacki

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits a person who caused a child to be conceived by rape from obtaining custody, parenting time, or contact with the child if a court finds by clear and convincing evidence that the person perpetrated the rape. The bill provides an exception if the biological parents of the child were married at the time the child was conceived. It permits the court to order a party to pay the prevailing party costs and attorney's fees in an action to deny parenting rights, and specifies that a person who has been denied parenting rights because of rape may not be required to pay child support.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: (Revised) This bill is expected to increase court caseload to find, by clear and convincing evidence, that a child who is the subject of a custody, parenting time, or visitation request was

conceived as an act of rape (if one of the child's parents so claims). This evidentiary standard can be met with the criminal conviction of one of the parents, but in instances where there is no criminal conviction, it is assumed an additional court hearing will be necessary to prove the child was conceived as an act of rape.

The number of instances where a child was conceived and born as a result of the rape of the child's parent is unknown. Additionally, it is not known how many parents of children who are conceived as the result of rape will petition the court for custody, parenting time, or contact with the child.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Juvenile courts.

Information Sources:

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